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Dkt. 0575/56613/JPW/LAD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ann Marie Schmidt and David Stern
Patent No.: 6,753,150 B2
Issued : June 22, 2004
For : Method for Determining Whether a Compound is Capable
of Inhibiting the Interaction of a Peptide with RAGE

1185 Avenue of the Americas
New York, New York 10036
June 4, 2008

Attn: Certificate of Correction Branch

Certificate

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUN 10 2008
of Correction

Sir:

REQUEST FOR A CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.322

Patentees hereby request that the Director of the U.S. Patent and Trademark Office issue a Certificate of Correction under 37 C.F.R. §1.322 in connection with the above-identified patent. Specifically, 37 C.F.R §1.322 (a) (1) states that "[t]he Director may issue a certificate of correction pursuant to 35 U.S.C. 254 to correct a mistake in a patent, incurred through the fault of the Office, which mistake is clearly disclosed in the records of the Office: (i) at the request of the patentee or patentee's assignee."

Patentees attach hereto as **Exhibit A**, Form PTO/SB/44 (PTO-1050) indicating the corrections to be made in the subject patent. The corrections are as follows:

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JUN 10 2008

Claims 1, 11 and 13 should read as follows:

1. A method for determining whether a compound inhibits the interaction of a carboxymethyl-lysine-modified advanced glycation endproduct (AGE) with a receptor for advanced glycation end product (RAGE), which comprises:
 - (a) admixing:
 - (i) the carboxymethyl-lysine-modified AGE,
 - (ii) RAGE or a fragment thereof which binds to the carboxymethyl-lysine-modified AGE, and
 - (iii) the compound;
 - (b) determining the amount of the AGE bound to the RAGE or the fragment thereof; and
 - (c) comparing the amount of bound AGE determined in step (b) with the amount determined when the AGE is admixed with RAGE or a fragment thereof in the absence of the compound, thereby determining whether the compound inhibits the interaction of the AGE with RAGE or fragment thereof, wherein a reduction in the amount of binding in the presence of the compound indicates that the compound inhibits the interaction.
11. The method of claim 1, wherein the AGE is affixed to a solid surface.

Applicants: Ann Marie Schmidt and David Stern
U.S. Patent No: 6,753,150 B2
Issued: June 22, 2004
Page 3

13. The method of claim 1, wherein the AGE is detectably labeled.

Patentees maintain that the errors in presenting incorrect claims 1, 11 and 13 of U.S. Patent 6,753,150 B2 occurred as a result of an error by the U.S. Patent and Trademark Office and this error is clearly disclosed in the records of the U.S. Patent and Trademark Office. Specifically, Patentees maintain that claims 1, 24 and 26 (now corresponding to claims 1, 11 and 13, respectively, of U.S. Patent No. 6,753,150 B2) were amended in an Amendment in Response to March 10, 2003 Office Action filed on June 10, 2003 with the U.S. Patent and Trademark Office. A copy of the June 10, 2003 Amendment is attached hereto as **Exhibit B**. Patentees further maintain that the Notice of Allowability issued October 31, 2003 in connection with the subject patent indicated that the claims set forth in the June 10, 2003 Amendment were allowed. A copy of the October 31, 2003 Notice of Allowability is attached hereto as **Exhibit C**. Claims 1, 11 and 13, of U.S. Patent No. 6,753,150 B2 do not correspond to allowed claims 1, 24 and 26 as set forth in the June 10, 2003 Amendment.

A copy of the first page and claims of U.S. Patent No. 6,753,150 B2 is attached hereto as **Exhibit D**. Patentees therefore maintain that the errors in presenting incorrect claims 1, 11 and 13 in U.S. Patent No. 6,753,150 B2 occurred as a result of an error by the U.S. Patent and Trademark Office.

On behalf of Patentees, the undersigned respectfully requests that the Director issue a Certificate of Correction reflecting correct claims 1, 11 and 13.

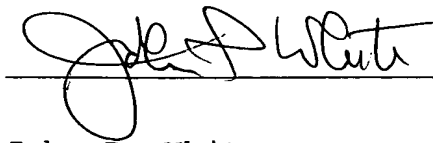
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Patent Publication

JUN 10 2008

Applicants: Ann Marie Schmidt and David Stern
U.S. Patent No: 6,753,150 B2
Issued: June 22, 2004
Page 4

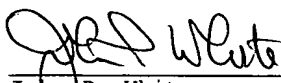
No fee is deemed necessary in connection with the filing of this Request under 37 C.F.R. §1.322. However, if any fee is necessary, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450

 6/4/08
John P. White Date
Reg. No. 28,678

John P. White
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Exhibit A

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**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : **6,753,150 B2**
DATED : **June 22, 2004**
INVENTOR(S) : **Ann Marie Schmidt and David Stern**

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 1, column 22, lines 17-18: "is capable of inhibiting the interaction of a peptide" should read – inhibits the interaction of a carboxymethyl-lysine-modified advanced glycation endproduct (AGE)

In claim 1, column 22, lines 22-23: "the peptide, wherein amino groups of the peptide are inactivated by chemical derivatization," should read – the carboxymethyl-lysine-modified AGE

In claim 1, column 22, lines 24-25: "is capable of binding the peptide" should read – binds to the carboxymethyl-lysine-modified AGE

In claim 1, column 22, line 29: "peptide" should read – AGE

In claim 1, column 22, line 30: "peptide" should read – AGE

In claim 1, column 22, line 33: "is capable of inhibiting" should read – inhibits

In claim 1, column 22, line 34: "peptide" should read – AGE

In claim 1, column 22, lines 36-37: "is capable of inhibiting" should read – inhibits

In claim 11, column 22, line 58: "peptide" should read – AGE

In claim 13, column 22, line 62: "peptide" should read – AGE

MAILING ADDRESS OF SENDER:

**John P. White, Esq.
Cooper & Dunham LLP
1185 Avenue of the Americas, NY NY 10036**

PATENT NO. **6,753,150 B2**

No. of additional copies

 **0**

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Applicants : Ann Marie Schmidt
and David Stern
Patent No. : 6,753,150 B2
Issued : June 22, 2004

Exhibit A

Exhibit B

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JUN 10 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ann Marie Schmidt, et al.
Serial No.: 09/166,649 Examiner: E. O'Hara
Filed : October 5, 1998 Group Art Unit: 1646
For : METHODS FOR DETERMINING WHETHER A COMPOUND IS
CAPABLE OF INHIBITING THE INTERACTION OF A PEPTIDE
WITH RAGE

1185 Avenue of the Americas
New York, New York 10036
June 10, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

AMENDMENT IN RESPONSE TO MARCH 10, 2003 OFFICE ACTION

This Amendment is submitted in response to a March 10, 2003 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the March 10, 2003 Office Action is due June 10, 2003. Accordingly, this Amendment is being timely filed.

Please amend the subject application as follows:

In the claims:

Please cancel claims 2, 4, 5, 8, 11, 12 and 29 without prejudice to applicants' right to pursue the subject matter thereof in a future application.

Please amend claims 1, 24 and 26 as follows:

1. (Twice Amended) A method for determining whether a compound

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JUN 10 2008

Applicants : Ann Marie Schmidt
and David Stern
Patent No. : 6,753,150 B2
Issued : June 22, 2004

Exhibit B

Applicants : Anne Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 5, 1998
Page 2

inhibits the interaction of a carboxymethyl-lysine-modified advanced glycation endproduct (AGE) with a receptor for advanced glycation end product (RAGE), which comprises:

(a) admixing:

(i) the carboxymethyl-lysine-modified AGE,

(ii) RAGE or a fragment thereof which binds to the carboxymethyl-lysine-modified AGE, and

(iii) the compound;

(b) determining the amount of the AGE bound to the RAGE or the fragment thereof; and

(c) comparing the amount of bound AGE determined in step (b) with the amount determined when the AGE is admixed with RAGE or a fragment thereof in the absence of the compound, thereby determining whether the compound inhibits the interaction of the AGE with RAGE or fragment thereof, wherein a reduction in the amount of binding in the presence of the compound indicates that the compound inhibits the interaction.

24. (Amended) The method of claim 1, wherein the AGE is affixed to a solid surface.

26. (Amended) The method of claim 1, wherein the AGE is detectably labeled.

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Patent Publication

JUN 10 2008

Applicants : Anne Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 5, 1998
Page 3

REMARKS

Claims 1, 2, 4-8, 11-13, 15, 17, 18, 20-22 and 24-29 are pending in the subject application. Claims 2, 4, 5, 8, 11, 12 and 29 have been cancelled. Claims 1, 24 and 26 have been amended. Accordingly, claims 1, 6, 7, 13, 15, 17, 18, 20-22 and 24-28 are now pending in the subject application.

Sequence Listing

Applicants have submitted concurrently under separate cover to Mail Stop Sequence, a Communication in Response to March 10, 2003 Notice to Comply in response to the March 10, 2003 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures. Applicants attach hereto as **Exhibit A**, a courtesy copy of the Communication.

Withdrawn Rejections

Applicants acknowledge that the Examiner has withdrawn the rejections under 35 U.S.C. §103 of claim 4 and under 35 U.S.C. §112, paragraph 1, of claim 29.

Claim Objection

The Examiner objected to claim 29 because it allegedly encompasses a non-elected invention.

In response to the Examiner's objection, but without conceding the correctness thereof, applicants point out that claim 29 has been

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Patent Publication

JUN 10 2008

Applicants : Anne Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 5, 1998
Page 4

canceled, thereby rendering the objection moot.

Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 11 and 12 under 35 U.S.C. §112, second paragraph, as allegedly not enabled. Specifically, the Examiner asserted that the specification does not reasonably provide enablement for a peptide derivative comprising an alkyl group.

In response to the Examiner's rejection, but without conceding the correctness thereof, applicants point out that claims 11 and 12 have been canceled, thereby rendering the rejection moot.

Rejection Under 35 U.S.C. §102(e)

The Examiner rejected claims 1, 2, 5-8, 13, 15, 17, 18, 20-22 and 24-29 under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent No. 5,864,018 ("Morser").

In response to the Examiner's rejection of claims 2, 5, 8, 11, 12 and 29, but without conceding the correctness thereof, applicants point out that these claims have been canceled, thereby rendering the rejection thereof moot.

Further, applicants respectfully traverse the rejection of claims 1, 6, 7, 13, 15, 17, 18, 20-22 and 24-28.

Claims 1, 6, 7, 13, 15, 17, 18, 20-22 and 24-28, as amended, provide a method for determining whether a compound inhibits the interaction of a carboxymethyl-lysine-modified advanced glycation

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Patent Publication

JUN 10 2008

Applicants : Anne Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 5, 1998
Page 5

endproduct (AGE) with a receptor for advanced glycation end product (RAGE).

For a reference to anticipate the instant invention, it would have to teach *all the elements thereof*.

Morser fails to teach each and every element of the claimed method. Specifically, and as the Examiner concedes, Morser fails to teach that carboxymethyl-lysine-modified AGE binds to RAGE. It follows that Morser does not teach a method for identifying an inhibitor of such binding. Accordingly, applicants maintain that Morser fails to anticipate the claimed invention.

In view of the above remarks, applicants maintain that claims 1, 6, 7, 13, 15, 17, 18, 20-22 and 24-28 satisfy the requirements of 35 U.S.C. §102(e).

Summary

For the reasons set forth hereinabove, applicants respectfully request that all the claims of this application be allowed, and that the application proceed to issuance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.


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JUN 10 2008

Applicants : Anne Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 5, 1998
Page 6

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Alan J. Morrison
Reg. No. 37,399

6/10/03
Date



John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
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1185 Avenue of the Americas
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Tel. No. (212) 278-0400

Exhibit C

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JUN 10 2008

56613

JPL

Notice of Allowability

Application No.

09/166,649

Examiner

Eileen O'Hara

Applicant(s)

SCHMIDT ET AL.

Art Unit

1646

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12 June 2003.
 2. ☒ The allowed claim(s) is/are 1, 6, 7, 13, 15, 17, 18, 20-22 and 24-28, renumbered as 1-15, respectively.
 3. ☒ The drawings filed on 05 October 1998 are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Issue Fee Due: 2/2/04

Publ. Fee Due: 2/2/04

MPL

NOV - 4 2003

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No. _____.

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____.
 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 2 ☐ Notice of Informal Patent Application (PTO-152)
 4 ☐ Interview Summary (PTO-413), Paper No. _____.
 6 ☐ Examiner's Amendment/Comment
 8 ☐ Examiner's Statement of Reasons for Allowance
 9 ☐ Other

Lorraine Spector
LORRAINE SPECTOR
PRIMARY EXAMINER

Applicants : Ann Marie Schmidt
 and David Stern
 Patent No. : 6,753,150 B2
 Issued : June 22, 2004

Exhibit D

LIS 6,753,150 B2

06-22-04

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